

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ZACHARY T. FANSELOW
Deputy Attorney General
4 State Bar No. 274129
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2562
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013-677

11 **JAYNE LYNN DODD, AKA JAYNE**
12 **MORGAN DODD**
13 **7860 S. 10 E**
Fort Branch, IN 47648

A C C U S A T I O N

14 **Registered Nurse License No. 652808**

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about February 17, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 652808 to Jayne Lynn Dodd, aka Jayne Morgan Dodd ("Respondent").
25 The Registered Nurse License expired on January 31, 2011, and has not been renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2811(b) provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

8. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

///

1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it."

4 **COST RECOVERY**

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Disciplinary Action by the Indiana State Board of Nursing)**

13 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in
14 that on or about June 22, 2012, the Indiana State Board of Nursing ("Indiana Board") made
15 findings of fact, conclusions of law, and issued an order placing Respondent's license to practice
16 professional nursing in that state on indefinite probation. The circumstances are as follows:

17 11. On or about December 9, 2009, Respondent was working when a fellow registered
18 nurse asked her what she would do about Patient A, who was in pain. Respondent stated that she
19 would start the usual pain medication for kidney stones and order a CAT scan to get a jump on
20 the process since it would take some time for a doctor to become available. In a written response
21 to this incident Respondent admitted that she did not request or receive authorization from a
22 doctor before personally submitting an order for a CAT scan for Patient A.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
26 the grounds of unprofessional conduct in that Respondent ordered a CAT scan without requesting
27 or receiving authorization from a doctor. Complainant refers to, and by this reference
28 incorporates, all the allegations contained in paragraphs 10 and 11 as though set forth fully.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violating Provisions of the Nursing Practice Act)**

3 13. Respondent is subject to disciplinary action under section 2761, subdivision (d), in
4 that Respondent violated provisions of the Nursing Practice Act [§ 2750, et seq.]. Complainant
5 refers to, and by this reference incorporates, all the allegations contained in paragraphs 10
6 through 12, inclusive, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 652808, issued to Jayne
11 Lynn Dodd, aka Jayne Morgan Dodd

12 2. Ordering Jayne Lynn Dodd to pay the Board of Registered Nursing the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: February 27, 2013 Stacie Ben
19 for LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
25
26
27
28

LA2012508390
51232696.doc